

REMARKS

Claims 3, 8, 11-17, 20, and 22 constitute the pending claims in the present application. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action. Applicants respectfully request reconsideration in view of the following remarks.

1. Applicants acknowledge that a request for continued examination has been granted and that the finality of the previous Office Action has been withdrawn. Applicants also acknowledge that Applicants' previous submission filed on September 12, 2003 has been entered.
2. Applicants acknowledge that claims 3-8, 11-17, 20 and 22 are pending in the present Application, and that these claims will be examined to the extent they read on compounds having the basic chemical structure of cycloamine or jervine.
3. Claim 4 is rejected under 35 U.S.C. 112, 2nd paragraph. Applicants have cancelled this claim because it is drawn to a non-elected species. Applicants reserve the right to pursue this claim at a later time. Applicants request reconsideration in light of the cancellation.
4. Applicants note with appreciation that the provisional rejection of claims 24 and 26 under the judicially created doctrine of obviousness-type double patenting was rendered moot when the claims were cancelled.
5. Applicants note with appreciation the withdrawal of the rejection of claims 3, 5-8, 11-17, 20 and 22 under the judicially created doctrine of obviousness-type double patenting over the claims of copending Application No. 09/708,964.
6. Applicants note with appreciation that the rejection of claims 24 and 26 under 35 U.S.C. 102(b) over Gerashchenko et al. were rendered moot when the claims were cancelled.
7. Applicants note with appreciation that the rejection of claims 24 and 26 under 35 U.S.C. 102(b) over Omnell et al. were rendered moot when the claims were cancelled.
8. Claims 3, 5-8, 11-17, 20, and 22 are objected to as containing nonelected subject matter. In response to the Examiner's guidance in a telephonic interview on January 13, 2004,

Applicants have amended claims 3, 5, and 6 to more closely particularly set forth the core ring structure of jervine and cyclopamine. Applicants submit that these amendments are not made for a reason related to patentability, but only to address the restriction requirement imposed by the Examiner. Applicants reserve the right to prosecute claims of similar or differing scope in subsequent applications. Therefore, Applicants respectfully request the Examiner to point out with specificity the objectionable subject matter, or withdraw the objection.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims are now in condition for allowance and early notification to this effect is earnestly solicited. Any questions arising from this submission may be directed to the undersigned at (617) 951-7000. If there are any other fees due in connection with the filing of this submission, please charge the fees to our **Deposit Account No. 18-1945**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit account.

Date: February 13, 2004

Customer No: 28120
Docketing Specialist
Ropes & Gray LLP
One International Place
Boston, MA 02110
Phone: 617-951-7000
Fax: 617-951-7050

Respectfully Submitted,



David P. Halstead, J.D., Ph.D.
Reg. No. 44,735